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IFW/1632#

Attorney's Docket No.: 08191-018001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shikha Barman et al. Art Unit : 1632
Serial No. : 09/872,836 Examiner : Dave Trong Nguyen
Filed : June 1, 2001
Title : DELIVERY SYSTEMS FOR BIOACTIVE AGENTS

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION DATED JANUARY 25, 2005

In reply to the Office Action dated January 25, 2005, applicants submit the following remarks.

REMARKS

Claims 1-16, 21-29, 31-34, and 37 are pending in the application. No amendments have been made by the present response.

35 U.S.C. §102(e) (Anticipation)

At pages 2-4 of the Office Action, the Examiner rejected claims 1-4, 6, 7, 9-16, 29, and 37 as allegedly anticipated by Papahadjopoulos et al, U.S. Patent No. 6,803,053 ("Papahadjopoulos").

Applicants respectfully traverse the rejection in view of the following comments.

Independent claim 1 is directed to a microparticle that is less than about 100 microns in diameter and contains: (i) a polymeric matrix; (ii) a lipid having a pKa of less than about 2.5; and (iii) a nucleic acid molecule, wherein the microparticle is not encapsulated in a liposome and the microparticle does not comprise a cell. Similarly, independent claim 21 is directed to a microparticle that is less than about 100 microns in diameter and contains: (i) a polymeric matrix; (ii) a lipid having a pKa of less than about 2.5; and (iii) a nucleic acid molecule.

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